

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:

Hardeman v. Monsanto, 3:16-cv-00525-VC

**PRETRIAL ORDER NO. 163:
ORDER GRANTING MOTION TO
ALTER JUDGMENT**

Dkt. Nos. 3979, 4528

Hardeman's motion to alter the judgment to clarify prejudgment interest is granted. Because Hardeman's medical expenses were "capable of being made certain" at the time he filed his complaint, he is entitled to prejudgment interest on his award of past economic damages. Cal. Civ. Code § 3287(a); *see U.S. Fidelity and Guaranty Co. v. Lee Investments LLC*, 641 F.3d 1126, 1140 (9th Cir. 2011) (noting that, once established, medical expenses "could be reasonably determined thereafter with simple inquiries").

Monsanto is ordered to pay interest on the \$200,967.10 award of past economic damages at an annual rate of 7% from the date the case was filed, February 1, 2016, through the entry of judgment on May 3, 2019, resulting in total prejudgment interest of \$45,748.92. *See Westport Ins. Corp. v. Cal. Casualty Mgmt. Co.*, 916 F.3d 769, 781 (9th Cir. 2019) (explaining that "[s]tate law governs prejudgment interest in a diversity action," and the "California Constitution generally affixes the rate of prejudgment interest at seven percent per annum").

IT IS SO ORDERED.

Date: July 17, 2019


Honorable Vince Chhabria
United States District Court